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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/669,706	09/25/2003	Hisashi Isozaki	017498-0170	6338
22428	7590	05/03/2004	EXAMINER	
FOLEY AND LARDNER SUITE 500 3000 K STREET NW WASHINGTON, DC 20007			NGUYEN, TU T	
			ART UNIT	PAPER NUMBER
			2877	

DATE MAILED: 05/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/669,706

**Applicant(s)**

ISOZAKI ET AL.

**Examiner**

Tu T. Nguyen

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 25-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_ is/are rejected.
- 7) ☒ Claim(s) 25-32 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

### DETAILED ACTION

This application is in condition for allowance except for the following formal matters:

#### *Claim Objections*

Claims 25-32 are objected to because of the following informalities:

- 1) Claim 25, lines 5, 7, 9, 13, 15, "an inspected object" should be changed to -- the inspected object --.
  - 2) Claim 26, lines 5, 6, 13, "an inspected object" should be changed to -- the inspected object --.
  - 3) Claim 26, lines 6-7, "an irradiation luminous flux" should be changed to -- the irradiation luminous flux --.
  - 4) Claim 27, line 3, "the measuring data" should be changed to -- a measuring data--.
  - 5) Claim 27, lines 3-4, "the low sensitivity side" should be change to -- a low sensitivity side --.
  - 6) Claim 27, lines 4-5, "the coordinate" should be changed to -- coordinate --.
  - 7) Claim 27, line 5, "the saturated high sensitivity side" should be changed to -- a saturated high sensitivity side --.
  - 8) Claim 27, line 6, "a measuring signal" should be changed to -- the measuring signal --.
- Claim 28, line 3, "the measuring data" should be changed to -- the measuring signal --.

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9) Claim 29, lines 5, 7, 9, 13, 15, "an inspected object" should be changed to -- the inspected object --.

10) Claim 30, lines 5, 6, 10, 13, "an inspected object" should be changed to -- the inspected object --.

11) Claim 30, line 7, "an irradiation luminous flux" should be changed to -- the irradiation luminous flux --.

12) Claim 30, lines 7, 9, 12, "the irradiation means" should be changed to -- the irradiating means --.

13) Claim 31, line 3, "the measuring data" should be changed to -- the measuring signal --.

14) Claim 31, lines 3-4, "the low sensitivity side" should be change to -- a low sensitivity side --.

15) Claim 31, line 5, "the saturated high sensitivity side" should be changed to -- a saturated high sensitivity side --.

16) Claim 31, lines 4-5, "the coordinate" should be changed to -- coordinate --.

17) Claim 31, line 6, "a measuring signal" should be changed to -- the measuring signal --.

Claim 32 is objected as being depended on the objected claim.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

***Allowable Subject Matter***

The following is a statement of reasons for the indication of allowable subject matter:

Prior arts of record does not disclose a signal forming section for forming a measuring signal on the basis of the first light receiving signal and the second light receiving signal, wherein the first light receiving section and the second light receiving section respectively form the first light receiving signal and the second light receiving signal which are different in sensitivity or dynamic range from each other, wherein, in case that data of foreign matter of the first light receiving signal and data of foreign matter of the second light receiving signal exist in a predetermined range, the signal forming section forms data of foreign matter as same foreign matter on the basis of the first light receiving signal and the second light receiving signal as disclosed in claims 25,26,29,30.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tu T. Nguyen whose telephone number is (571) 272-2424. The examiner can normally be reached on T-F 7:30-5:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frank G Font can be reached on (571) 272-2415. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Tu T. Nguyen  
Primary Examiner  
Art Unit 2877

04/28/2004